

Exhibit A



TO: Suki Hayre
WhitePages, Inc.
1301 5th Ave Ste 1600
Seattle, WA 98101-2625

RE: Process Served in Washington
FOR: WhitePages, Inc. (Domestic State: DE)

**Service of Process
Transmittal**
06/20/2019
CT Log Number 535718531

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Stephanie Lukis, ETC., PLTF. vs. Whitepages Incorporated, DFT.
Name discrepancy noted.

DOCUMENT(S) SERVED: SUMMONS, COMPLAINT, ATTACHMENT(S)

COURT/AGENCY: Cook County Circuit Court, County Department, Chancery Division, IL
Case # 2019CH07399

NATURE OF ACTION: Violation of the Illinois Right of Publicity Act 765ILCS 1075/1, et seq.

ON WHOM PROCESS WAS SERVED: CT Corporation System, Olympia, WA

DATE AND HOUR OF SERVICE: By Process Server on 06/20/2019 at 15:08

JURISDICTION SERVED : Washington

APPEARANCE OR ANSWER DUE: WITHIN 30 days after service of this Summons, not counting the day of service

ATTORNEY(S) / SENDER(S): Roberto Luis Costales
BEAUMONT COSTALES LLC
107 W. Van Buren, Suite 209
Chicago, IL 60605
773-831-8000

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780130399811
Email Notification, Suki Hayre shayre@whitepages.com
Email Notification, Kelly Schmitt kschmitt@whitepages.com
Email Notification, Sabena Diamond sdiamond@whitepages.com

SIGNED:
ADDRESS: CT Corporation System
711 Capitol Way S.
Suite 204
Olympia, WA 98501

TELEPHONE: 602-277-4792

Return Date: No return date scheduled
Hearing Date: 10/17/2019 10:30 AM - 10:30 AM
Courtroom Number: 2102
Location: District 1 Court
Cook County, IL

FILED
6/20/2019 9:24 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2019CH07399

5483939

(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Stephanie Lukis

(Name all parties)

Case No. 2019CH7399

Whitepages Incorporated

✓ SUMMONS ALIAS SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee **within thirty (30) days after service of this Summons**, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit www.cookcountyclerkofcourt.org to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

If you fail to do so, a judgment by default may be entered against you for the relief requested in the complaint.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Summons - Alias Summons

(08/01/18) CCG 0001 B

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>, or talk with your local circuit clerk's office.

FILED DATE: 6/20/2019 9:24 AM 2019CH07399

Atty. No.: 6329085

Witness: _____

6/20/2019 9:24 AM DOROTHY BROWN

Atty Name: Roberto Costales

 DOROTHY BROWN, Clerk of Court

Atty. for: Plaintiff

Date of Service: _____

Address: 107 W. Van Buren #209

(To be inserted by officer on copy left with
Defendant or other person):

City: Chicago

State: IL Zip: 60605

Telephone: 773-831-8000

Primary Email: rlc@beaumontcostales.com

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

CLERK OF THE CIRCUIT COURT OF COOK COUNTY OFFICE LOCATIONS

Richard J Daley Center
50 W Washington
Chicago, IL 60602
District 2 - Skokie
5600 Old Orchard Rd
Skokie, IL 60077
District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008
District 4 - Maywood
1500 Maybrook Ave
Maywood, IL 60153
District 5 - Bridgeview
10220 S 76th Ave
Bridgeview, IL 60455
District 6 - Markham
16501 S Kedzie Pkwy
Markham, IL 60428
Domestic Violence Court
555 W Harrison
Chicago, IL 60607
Juvenile Center Building
2245 W Ogden Ave, Rm 13
Chicago, IL 60602
Criminal Court Building
2650 S California Ave, Rm 526
Chicago, IL 60608

Daley Center Divisions/Departments

Civil Division
Richard J Daley Center
50 W Washington, Rm 601
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
Chancery Division
Richard J Daley Center
50 W Washington, Rm 802
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm

Domestic Relations Division
Richard J Daley Center
50 W Washington, Rm 802
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
Civil Appeals
Richard J Daley Center
50 W Washington, Rm 801
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
Criminal Department
Richard J Daley Center
50 W Washington, Rm 1006
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
County Division
Richard J Daley Center
50 W Washington, Rm 1202
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
Probate Division
Richard J Daley Center
50 W Washington, Rm 1202
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
Law Division
Richard J Daley Center
50 W Washington, Rm 801
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
Traffic Division
Richard J Daley Center
50 W Washington, Lower Level
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Return Date: No return date scheduled
Hearing Date: 10/17/2019 10:30 AM - 10:30 AM
Courtroom Number: 2102
Location: District 1 Court
Cook County, IL

12-Person Jury

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

FILED
6/19/2019 2:43 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2019CH07399

Stephanie Lukis, individually and on)
behalf of all others similarly situated,) CIVIL ACTION NO: 5476921
) 2019CH07399
Plaintiff,)
v.)
Whitepages Incorporated,)
)
Defendant.)

CLASS ACTION COMPLAINT

Plaintiff Stephanie Lukis brings this class action on her own behalf and also on behalf of all others similarly situated (“class members”). Class members had (and continue to have) their identities used by the Defendant in its advertisements without class members’ written consent, in violation of Illinois law.

THE PARTIES

1. Plaintiff Stephanie Lukis is a resident of Cook County, Illinois.
2. Defendant Whitepages Incorporated (“Whitepages” or “Defendant”) owns and operates the website www.whitepages.com. Defendant is a Washington-based, for-profit corporation organized under the laws of the State of Washington.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action because Defendant conducts business transactions in Illinois and committed the tortious acts herein sued upon in Illinois.
4. Venue is proper in Cook County because Plaintiff resides in Cook County and Defendant conducts business transactions in Cook County.

COMMON FACTUAL ALLEGATIONS

5. Despite its name Defendant Whitepages is not affiliated with the once-popular print telephone directory promulgated by AT&T.

6. Rather, Defendant owns and operates a website that sells “background reports” on people to the general public.

7. Defendant sells its reports on its website: www.whitepages.com.

8. Upon accessing Whitepages’ website, the public-at-large is free to enter the first and last name of a particular individual via a search bar on the homepage.

9. After entering this information, any public user of Whitepages’ website is provided with a listing of search results. Each search result corresponds to an actual person that Whitepages has located who matches the name provided by the public user.

10. These search results provide a limited, free preview of Defendant’s “background reports.” As shown in the images below, this free preview includes the searched individual’s name (including middle initials), age range, alleged phone number, current address, the “previous locations” where the searched individual has lived, and other identifying information:

whitepages PERSON

Stephanie M Lukis Herndon VA

Stephanie M Lukis Aug 45s Monitor

Get Stephanie Lukis's background check View Results

Phone (773) 801-0023 Fixed VoIP

Mobile (910) 677-6124 View mobile info

Current Address 2519 John Eppes Rd Apt 403 Herndon VA 20171-4403 SHOW MAP

816 W 34th Pl Chicago IL 60608-6976 Neighborhood tour guide SHOW MAP

Previous Locations Chicago, IL Alexandria, VA Lorton, VA View full addresses

whitepages PERSON

Stephanie M Lukis Herndon VA

More about Stephanie M Lukis PREMIUM

Get Stephanie Lukis's background check View Results

Relatives of Stephanie M Lukis View all relatives

Mobile and landline info View all phone numbers

View criminal history Continue to results

Full address history View addresses

Background report for Stephanie M Lukis PREMIUM

Stephanie M Lukis VA Public records

Stephanie M Lukis VA Criminal records

The screenshot shows a search result for 'Stephanie M Lukis' on Whitepages. At the top, it displays 'Stephanie M Lukis' from Herndon, VA. Below this, there are three blue-highlighted links: 'VA', 'Bankruptcies & foreclosures', 'Property ownership info', and 'Professional licenses & permits'. A large button labeled 'Get their background check' is prominently displayed. To the left, there's a section for 'Get Stephanie Lukis's background check' with a 'View Results' button. In the center, a section titled 'Get all of the details you need' offers 'Background reports', 'History', and 'Searches'. To the right, there are three bar charts: 'Background reports', 'History', and 'Searches', each with three bars representing different categories. At the bottom, there's a section for 'Family & relatives' with a 'View Results' button, and a link 'Looking for a different Stephanie?'.

11. As shown in the images above, Whitepages' free preview provides enough information to identify an individual.

12. The purpose behind Whitepages' free preview is singular: to entice users to purchase Defendant's services. These services include "background reports" and "histories" relating to individuals on its database.

13. Whitepages' uses these free previews to advertise its monthly subscription services whereby a user can access and retrieve "background reports" and "histories" on any individual in its database.

14. In order for a user to view a person's "background report" or other background "histories" generated by the Defendant, a user needs to purchase Defendant's services. Clicking any of the blue highlighted text in the above images (e.g. "view results" or "get their background

check" or "continue to results" or "view all relatives" or "criminal records") leads users to a pay screen which presents them with an option to pay for Whitepages' monthly subscription services.

15. Whitepages monthly subscription ranges in cost from \$4.99 to \$19.99 per month to access and search anyone on its database.

16. Whitepages monthly subscription allows users to obtain background reports using Whitepages services on between 20 and 200 different individuals per month, depending on subscription cost.

17. Whitepages compiles and generates the content it sells on its website. According to Whitepages: "we work with over 100 different data providers worldwide and ingest over two billion records a month into our internal database, enabling us to provide a robust search that we have within our products."¹

18. Neither Plaintiff nor class members provided Defendant with written consent to use their identities in Defendant's advertisements. As detailed above, Whitepages uses class members' identities to advertise its for-profit services. Thus, Defendant violates the Illinois Right of Publicity Act ("IRPA"), 765 ILCS 1075/1, *et seq.*

19. It would be extremely easy for Whitepages to maintain their business model while still complying with state law. For example, Whitepages could merely display the names of the searched individuals—without more identifying information—in their advertisements for their services.

20. Whitepages purposefully subjects itself to jurisdiction in this Court by knowingly searching and obtaining private and public records and/or identifying information on Illinois residents. Indeed, this lawsuit revolves around Whitepages business practice of acquiring

¹ <https://www.whitepages.com/blog/whitepages-identity-graph/> (last accessed June 17, 2019)

identifying information about Illinois residents with the specific intent of selling that information to its customers.

21. Additionally, Whitepages directly sells its services to consumers in Illinois.

STEPHANIE LUKIS' EXPERIENCE

22. In 2018 Plaintiff Lukis discovered that Whitepages uses her name, age, city of domicile, and the identity of her relatives in advertisements on the Whitepages website to advertise and/or actually sell Defendant's products and services. These advertisements were the same or substantially similar to those shown in Paragraph 10.

23. Plaintiff believes that it is reasonable for others to identify her because Defendant's advertisements include accurate details about her.

24. Indeed, Plaintiff can confirm that the individual Defendant identified in paragraph 10 is in fact herself.

25. Plaintiff never provided Whitepages with written consent to use any attribute of her identity in any advertisement or for any commercial purposes.

26. Plaintiff is not and has never been a Whitepages customer. She has no relationship with Whitepages whatsoever.

27. Plaintiff's discovery of Whitepages unauthorized use of her identity has caused Plaintiff emotional distress.

28. Plaintiff has not been compensated by Whitepages in any way for its use of her identity.

29. Plaintiff does not want Whitepages to use her identity for any commercial advertising purpose.

CLASS ACTION ALLEGATIONS

30. Plaintiff brings this action on behalf of herself and a class defined "all Illinois residents who have appeared in an advertisement preview for a Whitepages report."

31. Excluded from the class are: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, Defendant's subsidiaries, parents, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and its current or former employees, officers and directors; (3) persons who properly execute and file a timely request for exclusion from the class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's counsel and Defendant's counsel; and (6) the legal representatives, successors, and assigns of any such excluded persons.

32. The persons in the class are so numerous that joinder of all such persons is impractical and the disposition of their claims in a class action is a benefit to the parties and to the Court.

33. There are common questions of law and fact common to the claims of Plaintiff and the putative class, and those questions predominate over any questions that may affect individual members of the class. Common questions for the class include, but are not necessarily limited to the following:

- a. Whether Whitepages' uses class members' names and identities in advertisements for its own commercial benefit;
- b. Whether the conduct described herein constitutes a violation of the Illinois Right of Publicity Act 765 ILCS 1075/1, *et seq.*; and
- c. Whether Plaintiff and the class are entitled to injunctive relief.

34. The claims of the named Plaintiff are typical of those of the class. Plaintiff will fairly and adequately represent and protect the interests of the class, and has retained counsel

competent and experienced in complex class actions. Plaintiff has no interest antagonistic to those of the class, and Defendant has no defenses unique to the Plaintiff.

35. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Judicial economy will be served by maintaining this lawsuit as a class action because it avoids the burden which would otherwise be placed upon the judicial system by the filing of numerous similar suits. A class action is also superior because the damages suffered by individual class members are relatively small and because the burden upon such individual litigants may make it difficult and impractical for them to pursue their claims against Defendant.

36. There are no obstacles to effective and efficient management of this lawsuit as a class action by this Court.

37. References to Plaintiff shall be deemed to include the named Plaintiff and each member of the class, unless otherwise indicated.

FIRST CAUSE OF ACTION

Violation of the Illinois Right of Publicity Act 765 ILCS 1075/1, *et seq.* (On behalf of Plaintiff and the class) (Damages)

38. Plaintiff incorporates by reference the foregoing allegations as if set forth fully herein.

39. The Illinois Right of Publicity Act prohibits using a person's name, photograph, image, or likeness for the purpose of advertising or promoting products, merchandise, goods, or services without written consent. See 765 ILCS 1075/1, *et seq.*

40. Based upon Whitepages' violation of the Illinois Right of Publicity Act, Plaintiff and class members are entitled to (1) an injunction requiring Whitepages' to cease using Plaintiff's and members of the class' names and any attributes of their identities to advertise its products and

services, (2) the greater of any award of actual damages (including profits derived from the unauthorized use of Plaintiff's and class members' names and identities) or statutory damages of \$1,000 per violation to the members of the class, (3) an award of punitive damages, and (4) an award of costs and reasonable attorneys' fees under 765 ILCS 1075/40-55.

SECOND CAUSE OF ACTION

Violation of the Illinois Right of Publicity Act 765 ILCS 1075/1, *et seq.*
(On behalf of Plaintiff and the class)
(Injunctive Relief)

41. Plaintiff incorporates by reference each of the preceding allegations as though fully set forth herein.

42. The Illinois Right of Publicity Act provides for injunctive relief. 765 ILCS § 1075/50.

43. Plaintiff and class members are entitled to and seek an order enjoining further violations of the Illinois Right of Publicity Act by Defendant.

44. Injunctive relief is necessary to afford Plaintiff and class members the safety and peace of mind envisioned by the passage of the Illinois Right of Publicity Act.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order:

1. Certifying the class as defined above, appointing Stephanie Lukis as class representative, and appointing her counsel as class counsel;
2. Declaring that Whitepages' actions described herein constitute a violation of the Illinois Right of Publicity Act;
3. Awarding injunctive and other equitable relief as necessary to protect the interest of the class, including, *inter alia*, prohibiting Whitepages from engaging in the wrongful and unlawful acts described herein;

4. Awarding the greater of actual damages, including the profits derived from the unauthorized use of same, or statutory damages in the amount of \$1,000 per violation of the members of the class;
5. Awarding punitive damages where applicable;
6. Awarding Plaintiff and the class their reasonable litigation expenses and attorney's fees;
7. Awarding Plaintiff and the class pre- and post-judgment interest; and
8. Granting such other and further relief as the Court deems equitable and just.

JURY DEMAND

Plaintiff demands trial by jury on all issues for which a jury trial is allowed.

Respectfully Submitted,

/s/ Roberto Costales

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William H. Beaumont (#6323256)
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Chicago, IL 60605
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